

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHEILA LYONS, DVM and
HOMECOMING FARMS INC.,

Plaintiffs,

v.

THE AMERICAN COLLEGE OF
VETERINARY SPORTS MEDICINE
AND REHABILITATION, INC. and
THE AMERICAN VETERINARY
MEDICAL ASSOCIATION, INC.,

Defendants.

Civil Action No. 1:11-cv-12192

DECLARATION OF ROBERT L. GILLETTE
IN SUPPORT OF OPPOSITION TO MOTION TO STRIKE

I, Robert L. Gillette, declare and state as follows:

1. I hold a Doctorate of Veterinary Medicine from Kansas State University. I serve on the Board of Directors of the American College of Veterinary Sports Medicine and Rehabilitation (the "College"), a Colorado non-profit, and I am a past President of that organization and also served on its organizing committee (the "Organizing Committee"). I have personal knowledge of the facts discussed herein.
2. I am familiar with the College's Counterclaims in the above-referenced matter, and the exhibits attached thereto. In particular, Exhibits C, D, E, H, I, K & L were all documents that came into my possession, and that I preserved, in the course of my responsibilities as President and then board member of the College and member of the Organizing Committee.
3. Exhibit C to the College's Counterclaims is a true and accurate copy of an email exchange between myself and Sheila Lyons in December 2001 and January 2002.

4. Exhibit D to the College's Counterclaims is a true and accurate copy of an email sent by Sheila Lyons to me in January 2003, and the attachment thereto.
5. The first page of Exhibit E to the College's Counterclaims is a true and accurate copy of an email I sent to the organizing committee of the College, including Sheila Lyons, about the College's website in December 2002. The remainder of this exhibit is a true and accurate copy of portions of the College's website at that time.
6. Exhibit H to the College's Counterclaims contains two documents, a true and accurate copy of an email I sent to Sheila Lyons in January 2003, and a true and accurate copy of an email exchange between myself and Sheila Lyons in January 2003.
7. Exhibit I to the College's Counterclaims contains two documents, a true and accurate copy of an email I sent to the College's organizing committee in January 2003, and a true and accurate copy of Sheila Lyons' email to me in response.
8. Exhibit K to the College's Counterclaims contains a flier and brochure for a seminar which were forwarded to me by Betsy Erickson in June 2004.
9. Exhibit L to the College's Counterclaims is a true and accurate printout of the website <http://home.comcast.net/~homecomingfarm>, which I visited on July 31, 2004.
10. Ellen Asack and Betsy Erickson have sent me unsolicited correspondence about Sheila Lyons in the past, but they are not members of the College nor are they associated with the College in any way.
11. Neither the College nor myself were party to or otherwise had any involvement with Massachusetts Superior Court matter SUCV2009-04035 (*Sheila Lyons, DVM v. Division of Professional Licensure*) or Board of Registration in Veterinary Medicine matter No. VT-05-046 (*In the Matter of Sheila Lyons Unlicensed*).
12. On June 29, 2004, I visited the web site <http://www.homecomingfarm.org> and printed it. A true and accurate copy of that printout is attached to this affidavit as Exhibit 1. The site consisted of one page, which referred visitors to <http://home.comcast.net/~homecomingfarm>.
13. Neither myself nor the College has issued any statement with regard to Sheila Lyons' stance on doping or the horse racing industry.

14. None of the documents referenced in this affidavit or the College's counterclaims have been forged or, to the best of my knowledge, substantively altered in any way since coming into my possession.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

/s/ Robert L. Gillette
Robert L. Gillette

Dated 10/1/12

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the above date.

/s/ David A. Kluft